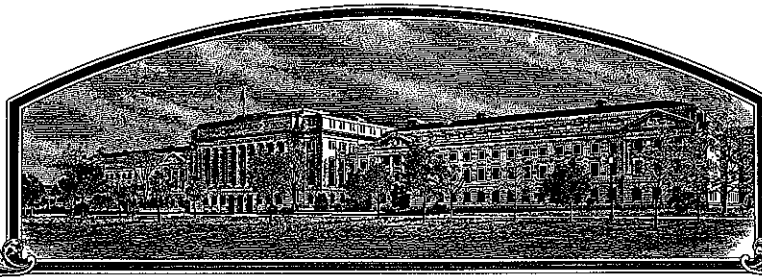


No.

200800132



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

West Bred LLC

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

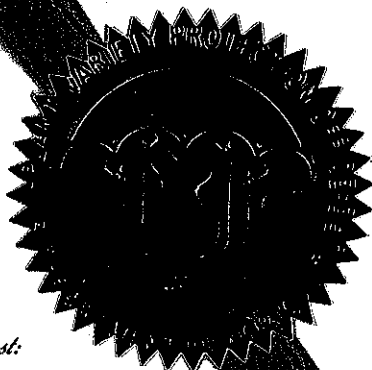
NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BARLEY

'Salute'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifteenth day of April, in the year two thousand and eight.

Attest:



*[Signature]*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

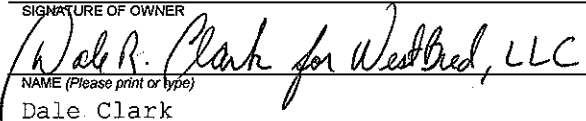
*[Signature]*  
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER WestBred LLC		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME BZ598-095		3. VARIETY NAME Salute	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)  81 Timberline Dr. Bozeman, MT 59718-6994		5. TELEPHONE (include area code) 406-587-1218		<b>FOR OFFICIAL USE ONLY</b> <b>PVPO NUMBER</b> <b>#200800132</b> <b>FILING DATE</b> <b>FEBRUARY 26, 2008</b>	
		6. FAX (include area code) 406-586-8247			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Limited Liability Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION Arizona		9. DATE OF INCORPORATION August 4, 2003	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)  Dr. Dale Clark, WestBred, LLC 81 Timberline Dr. Bozeman, MT 59718-6994				<b>FILING AND EXAMINATION FEES:</b> <b>\$4,382.00</b> <b>DATE 2/26/08</b> <b>CERTIFICATION FEE:</b> <b>\$768.00</b> <b>DATE 3/20/08</b>	
11. TELEPHONE (Include area code) 406-587-1218		12. FAX (Include area code) 406-586-8247		13. E-MAIL dclark@westbred.com	
14. CROP KIND (Common Name) Barley		16. FAMILY NAME (Botanical) Poaceae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Hordeum vulgare L.		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)					
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.  The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.  Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER  NAME (Please print or type) Dale Clark			SIGNATURE OF OWNER  NAME (Please print or type)		
CAPACITY OR TITLE Research Director		DATE Feb 21, 2008		CAPACITY OR TITLE  DATE	

(See reverse for instructions and information collection burden statement)

**GENERAL INSTRUCTIONS:** To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to **reproduce** the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

**Plant Variety Protection Office**  
**Telephone:** (301) 504-5518 **FAX:** (301) 504-5291  
**General E-mail:** PVP@mail.usda.gov  
**Homepage:** <http://www.ams.usda.gov/science/pvpo/PVPIndex.htm>

#### SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

#### ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
 (2) the details of subsequent stages of selection and multiplication;  
 (3) evidence of uniformity and stability; and  
 (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
  - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
  - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

**22. CONTINUED FROM FRONT** (Please provide a statement as to the limitation and sequence of generations that may be certified.)

**23. CONTINUED FROM FRONT** (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

April 1, 2007 in the U.S.

**24. CONTINUED FROM FRONT** (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**"Salute"**

Two-rowed, Spring, Waxy Endosperm Barley

**Exhibit A. Origin and Breeding History**

Salute is a two-rowed, waxy endosperm barley that originated from the cross "Bob"/\*2 "Baronesse" made by WestBred LLC near Phoenix, Arizona in March, 1995 and advanced using the standard pedigree method. Bob is a waxy endosperm, hulless seed barley developed by Phoenix Seed, reviewed and certified by the Association of Official Seed Certifying Agencies in 1993 and released to the public.

The  $F_1$  was grown near Bozeman, MT in 1995 and the  $F_2$  seed planted near Bozeman in the spring of 1996. Single spikes were selected from the  $F_2$  in the fall of 1996 and planted as individual single rows in the spring of 1997. Single spikes were again selected from the  $F_3$  rows in September, 1997 and planted as single  $F_4$  rows near Yuma, AZ in the fall of 1997. Single spikes were again selected from the  $F_4$  rows near Yuma in April, 1998 and planted as single  $F_5$  rows near Bozeman in May, 1998. Several  $F_5$  rows from this cross were agronomically acceptable (proper plant height, straw strength and disease tolerant) and were harvested in the fall of 1998. One such row was given the designation BZ598-095. A sampling of seed from this row were cut in half and stained with a solution of Iodine-Potassium-Iodide. This solution turns normal starch blue. For cultivars with the wax gene, the endosperm stains a light reddish brown. All of the seed tested from this row stained light reddish brown. The  $F_6$  through  $F_{10}$  generations were tested for grain yield and other agronomic traits in WestBred LLC trials from 1999 through 2006.

Twelve heads were selected from the F<sub>9</sub> generation plots near Bozeman, MT in the fall of 2002. These were planted as F<sub>10</sub> head row plots near Yuma, AZ in November, 2002. Six uniform rows were harvested in April, 2003 and planted as individual F<sub>11</sub> line rows near Bozeman, MT in May 2003. Three uniform F<sub>11</sub> line rows were harvested and bulked. One-half of this seed was used to plant a one-quarter acre plot near Yuma, AZ in the fall of 2004. The harvested seed was designated "Breeder Seed". Breeder Seed was used to plant 3 acres near Bozeman in May 2005. Seed from this field was harvested in September 2005 as Foundation Seed. Registered/Certified Seed was produced in 2006. The first unencumbered sale of Salute was in April of 2007. WestBred LLC will maintain Breeder seed of Salute by planting head rows when necessary.

Salute may contain a non-waxy endosperm type may occur at a frequency of up to 8/10000 seed (0.08%) and a hullless type at a frequency of up to 4/10000 (0.04%). No other variants are known to occur and Salute is a stable and uniform variety in appearance and performance over several generations and growing conditions.

Salute has been evaluated for yield, quality, standability, and general agronomics in company and university trials in MT, ID, OR and WA (Table 1 and 2). Salute has been found to be well adapted to the Northwest Region of the US.

**Table 1. Mean agronomic performance of Salute (BZ598-095) from 2000 to 2002 in MT, ID and WA locations.**

Cultivar	Maturity	Height	Lodging	Test Weight	Yield
	-dap <sup>1</sup> -	-cm-	-%-	-lb/bu-	-lb/a-
Baronesse	63.5	77.3	17.0	53.3	5207
Salute	62.5	79.0	20.7	54.1	5066
Station Years	12	12	12	12	12

<sup>1</sup>dap= heading date, number of days after planting

**Table 2. Mean agronomic and quality performance of Salute (BZ598-095) from 2006 to 2007 in Moro and Pendleton Oregon.**

Cultivar	Beta-glucan	Plump Kernels	Protein	Test Weight	Yield
	-% dry wt.-	-%-	-%-	-lb/bu-	-lb/a-
Baronesse	3.5	63	12.3	53	4153
Salute	5.1	80	11.9	54	3950
Station Years	4	4	4	4	4

**Exhibit B. Statement of Distinctness**

Salute is most similar to the variety Baronesse but differs in the two characteristics.

- 1) The head of Salute is glossy (lacks wax) and the head of Baronesse is slightly waxy.
- 2) Salute seed have waxy starch (low amylose, stains light reddish brown with a solution of Iodine-Potassium-Iodide) in the endosperm and Baronesse seed have normal starch (20-30% amylose, stains blue with a solution of Iodine-Potassium-Iodide) in the endosperm.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

OBJECTIVE DESCRIPTION OF VARIETY  
Barley (*Hordeum vulgare* L.)

NAME OF APPLICANT (S) WestBred LLC	TEMPORARY OR EXPERIMENTAL DESIGNATION BZ598-095	VARIETY NAME Salute
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) 81 Timberline Dr. Bozeman, MT 59718-6994		FOR OFFICE USE ONLY PVPO NUMBER <b>#200800132</b>

## PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (i.e.,    or   ) when the number is either 99 or less or 9 or less.

## 1. GROWTH HABIT:

1 = Spring    2 = Facultative Winter    3 = Winter    Early Growth:     1 = Prostrate    2 = Semi-Prostrate    3 = Erect

## 2. MATURITY: (50% Flowering)

1 = Early (California Mariout)    2 = Mid-Season (Betzes)    3 = Late (Frontier)

No. Days Earlier Than \_\_\_\_\_ \*

Same as Check Baronesse \*

No. of Days Later Than \_\_\_\_\_ \*

## 3. PLANT: (From Soil Level to Top of Head)

1 = Semi-Dwarf    2 = Short (California Mariout)    3 = Medium Tall (Betzes)    4 = Tall (Conquest)

cm Shorter Than \_\_\_\_\_ \*

Same as Check Baronesse \*

cm Taller Than \_\_\_\_\_ \*

## 4. STEM:

Exsertion (Flag to Spike at Maturity): 1 = (0 – 3 cm)    2 = (3 – 10 cm)    3 = (10 – 15 cm)

Anthocyanin: 1 = Absent    2 = Present

No. of Nodes (Originating from Node Above Ground)

Collar Shape: 1 = Closed    2 = V-Shaped    3 = Open    4 = Modified Closed or Open

Shape of Neck: 1 = Straight    2 = Snaky    3 = Other (Specify) \_\_\_\_\_

\* A commercial variety grown in the same trial.

## 5. LEAF:

- 1 Basal Leaf Sheath (Seedling): 1 = Glabrous 2 = Pubescent
- 2 Position of Flag Leaf (At Boot Stage): 1 = Drooping 2 = Upright
- 2 Waxiness: 1 = Absent (Glossy) 2 = Slightly Waxy 3 = Waxy
- 1 2 mm Width (First Leaf Below Flag Leaf)
- 2 1 cm Length (First Leaf Below Flag Leaf)
- 1 Anthocyanin in Leaf Sheath: 1 = Absent 2 = Present

## 6. HEAD:

- 1 Type: 1 = Two-Rowed 2 = Six-Rowed
- 2 Density: 1 = Lax 2 = Erect (Not Dense) 3 = Erect (Dense) 4 = Other (Specify) \_\_\_\_\_
- 2 Shape: 1 = Tapering 2 = Strap 3 = Clavate 4 = Other (Specify) \_\_\_\_\_
- 1 Waxiness: 1 = Absent (Glossy) 2 = Slightly Waxy 3 = Waxy
- 1 Lateral Kernels Overlap: 1 = None 2 = At Tip 3 = 1/4 – 1/2 of Head
- 3 Rachis (Hair on Edge): 1 = Lacking 2 = Few 3 = Covered

## 7. GLUME:

- 2 Length: 1 = 1/3 of Lemma 2 = 1/2 of Lemma 3 = More than 1/2 of Lemma
- 3 Hairs: 1 = None 2 = Short 3 = Long
- 4 Hair Covering: 1 = None 2 = Restricted to Middle 3 = Confined to Band 4 = Completely Covered
- 2 Awns: 1 = Less than Equal to Length of Glumes 2 = Equal to Length of Glumes 3 = More than Equal to Length of Glumes
- 3 Awn Surface: 1 = Smooth 2 = Semi-Smooth 3 = Rough

## 8. LEMMA:

- 5 Awn: 1 = Awnless  
2 = Awnlets on Central Rows, Awnless on Lateral Rows  
3 = Short on Central Rows, Awnlets on Lateral Rows  
4 = Short (Less than Equal to Length of Spike)  
5 = Long (Longer than Spike)  
6 = Hooded
- 4 Awn Surface: 1 = Awnless 2 = Smooth 3 = Semi-Smooth 4 = Rough
- 1 Teeth: 1 = Absent 2 = Few 3 = Numerous
- 1 Hair: 1 = Absent 2 = Present
- 1 Shape of Base: 1 = Depression 2 = Slight Crease 3 = Transverse Crease
- 2 Raachilla Hairs: 1 = Short 2 = Long

## 9. STIGMA:

- 2 Hairs: 1 = Few 2 = Many

**10. SEED:**

Type: 1 = Naked 2 = Covered

Hairs on Ventral Furrow: 1 = Absent 2 = Present

Length: 1 = Short (8.0 mm)  
2 = Short to Mid-Long (7.5 – 9.0 mm)  
3 = Mid-Long (8.5 – 9.5 mm)  
4 = Mid-Long to Long (9.0 – 10.5 mm)  
5 = Long (10.0 mm)

Wrinkling of Hull: 1 = Naked 2 = Slightly Wrinkled 3 = Semi-Wrinkled 4 = Wrinkled

Aleurone Color: 1 = Colorless (White or Yellow) 2 = Blue

Percent Abortive

GMS. per 1000 Seeds

**11. DISEASE:** (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Intermediate, 4 = Tolerant)

Septoria

Net Blotch

Spot Blotch

Powdery Mildew

Loose Smut

Bacterial Blight

Covered Smut

False Loose Smut

Stem Rust

Leaf Rust

Scab

Scald

Aster Yellows Virus

BSMV

BYDV

Other (Specify) \_\_\_\_\_

**12. INSECT:** (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Intermediate, 4 = Tolerant)

Green Bug

English Grain Aphid

Chinch Bug

Armyworm

Grasshoppers

Cerial Leaf Beetle

Other (Specify) \_\_\_\_\_

Hessian Fly Races

GP

A

B

C

Other (Specify) \_\_\_\_\_

D

E

F

G

**13. CHEMICAL:** (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Intermediate, 4 = Tolerant)

DDT

Other (Specify) \_\_\_\_\_

**14. INDICATE WHICH VAREITY MOST CLOSELY RESEMBLES THAT SUBMITTED:**

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant Tillering	Baronesse	Seed Size	Baronesse
Leaf Size	Baronesse	Coleoptile Elongation	Baronesse
Leaf Color	Xena	Seedling Pigmentation	Baronesse
Leaf Carriage	Baronesse		

**REFERENCES:**

The following publications may be used as a reference aid for the standardization of character descriptions and terms used in this form:

- Wiebe, G.A., and D.A. Reid, 1961, Classifications of Barley Varieties Grown in the United States and Canada in 1958, Technical Bulletin No. 1224, U.S. Department of Agriculture.
- Reid, D.A., and G.A. Wiebe, 1968, Barley: Origin, Botany, Culture, Winter Hardiness, Genetics, Utilization, Pests, Agriculture Handbook No. 338, U.S. Department of Agriculture, pp. 61-84.
- Malting Barley Improvement Association, Milwaukee, Wisconsin, 1971, Barley Variety Dictionary.

**COLOR:** Nickerson's or any recognized color fan may be used to determine color of the described variety.

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

1. NAME OF APPLICANT(S)  WestBred LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  BZ598-095	3. VARIETY NAME  Salute
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  81 Timberline Dr. Bozeman, MT 59718-6994	5. TELEPHONE (Include area code)  (406) 587-1218	6. FAX (Include area code)  (406) 586-8247
7. PVPO NUMBER		<b>#200800132</b>

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.

☒ YES☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.

☒ YES☐ NO

10. Is the applicant the original owner?

☒ YES☐ NOIf no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES☐ NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES☐ NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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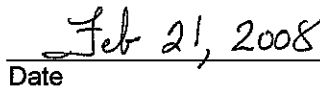
**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT F  
DECLARATION REGARDING DEPOSIT**

<b>NAME OF OWNER (S)</b> WestBred LLC	<b>ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)</b> 81 Timberline Dr. Bozeman, MT 59718-6994	<b>TEMPORARY OR EXPERIMENTAL DESIGNATION</b> BZ598-095
<b>NAME OF OWNER REPRESENTATIVE (S)</b> Dr. Dale Clark	<b>ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)</b> 81 Timberline Dr. Bozeman, MT 59718-6994	<b>VARIETY NAME</b> Salute <hr/> <b>FOR OFFICIAL USE ONLY</b> <hr/> <b>PVPO NUMBER</b> <b>#200800132</b>

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

  
 Signature

  
 Date